IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

WRIT PETITION No.- 1234 / 2003

PETITIONER: Sanjay Kumar Dhote, S/o Shri Santosh Dhote
Aged about 24 years, R/o Nayamunda Ward,
P.S.-Bodhghat, Jagdalpur, District-Bastar (C.G.)

VERSUS

RESPONDENTS:

1. State of Chhattisgarh, through the Principal Secretary, Department of Home, D.K.S. Building, Raipur (C.G.)

2. District Magistrate
Jagdalpur, District Bastar, (C.G.)

3. The Director General of Police
Police Head Quarter, Raipur
Distt. Raipur (C.G.)

4. Sub – Divisional Magistrate
Jagdalpur, District – Bastar (C.G.)

5. Superintendent of Police
Jagdalpur, District- Bastar (C.G.)

6. Station House Officer
Police Station – Bodhghat
Jagdalpur, District- Bastar (C.G.)

7.Shri Ram Suresh Singh aged about 50 years, R/o Nayamunda Ward, Jaigurudev Gali, Jagdalpur, District Bastar (C.G.)

8. Shri Jainendra Singh, S/o Shri Ram Suresh Singh aged about 28 years, R/o Village- Churia, P.S.- Lar, District- Deveria, (U.P.)

9. Shri Amnendra Singh, S/o Shri Ram Suresh Singh aged about 20 years, R/o Village- Chintalnar, P.S.- Chintalnar, District-Dantewada (C.G.)

P.R. No. ... Received by Shri ... Dated ...

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CLERK TO A.G. BILASPUR

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUING A WRIT IN THE NATURE OF HABEAS CORPUS.

1. PARTICULARS OF THE PETITIONER:

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(28)

आदेश पत्रक

मामला क्रमांक W.P.1234/ सन् 2003

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Division Bench:-

Hon'ble Shri K.H.N. Kuranga, C.J. and

Hon'ble Shri L.C. Bhadoo, J.

17.06.2003

Shri Alok Dewangan, counsel for the petitioner.

Shri Ranbir Singh, Govt. Advocate for respondents 1 to 6.

Heard both the counsel.

This Habeas Corpus petition has been filed by the petitioner mentioning therein that Vandana Singh Dhote was married to him on 11th October, 2002, before a Special Marriage Officer, Jagdalpur. After the marriage, respondent No.9 came to the petitioner's house and took Vandana Singh Dhote to her parental house saying that her mother is seriously ill. After getting the permission from the petitioner she went along with respondent No.9 for a week. When she did not came back to the petitioner's house after a week nor she sent any message to the petitioner, the petitioner inquired about her and then he came to know that they had delivered a false message of her mother's illness and they have detained her because respondents 7 to 9 have decided to re-marry her with a person of their own choice. The petitioner tried to contact respondents 7 to 9 and

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आदेश पत्रक

मामला क्रमांक W.P.1234/ सन् 2003

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित — 2 —	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

inquired about his wife, but they threatened him saying that "forget about your wife otherwise we will kill you". In these circumstances, this Habeas Corpus petition was filed by the petitioner.

On hearing the learned counsel for the petitioner on 25th April, 2003, notice was issued to respondents 7 to 9 and thereafter, on 1st May, 2003, respondent No.5, the Superintendent of Police, Jagdalpur was directed to search the girl and produce her before this Court on 09.05.2003. On 9th May, 2003, Mr.D.R.Achla, C.S.P., Jagdalpur, was present before this Court and submitted that Police has been deputed to trace the girl. Thereafter, yesterday i.e. on 16.06.2003, Vandana Singh Dhote appeared herself before the Court and Mr. D.R. Achla, C.S.P. was also present before the Court.

Yesterday i.e. on 16.06.2003, Vandana Singh Dhote made a statement before the Court that she went to her aunt's house on her own without telling her parents, because after 2-3 days of the marriage, Sanjay Kumar Dhote, the petitioner herein, was asking for money over phone and started harassing her, that is why she left for her aunt's house without telling her parents and since then, she was residing with her aunt at Village: Bahtura in the State of Uttar Pradesh. She further stated that nobody has wrongfully

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आदेश पत्रक

मामला क्रमांक W.P.(234/सन् 2003

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

confined her, she was residing with her aunt on her own will and now she wants to reside with her parents and she does not want to reside with the petitioner. She sought one day's time for placing all this on record in writing and accordingly, one day's time was granted to her till today. Now, she has placed all these facts in writing supported by an affidavit of her.

We have gone through the statement and affidavit submitted by Vandana Singh Dhote and personally inquired from her in the open Court and on enquiry she reiterated the statements made by her in her statement and affidavit. From the above statement of Vandana Singh Dhote it is clear that she had never been confined by anybody and she went to her aunt's house on her own. Therefore, this petition is without any merit and the same is liable to be rejected and it is rejected. Vandana Singh Dhote is major, as such she is at liberty to go wherever she wants.

Parties are entitled for certified copy of this order.

Sd/-
Chief Justice

Sd/-
L.C.BHADOO
Judge

Soma

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